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PATENT
Attorney Docket No. 23452-096

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Frank Alan PAVELSKI, *et al.* CONFIRMATION NO.: 9120
SERIAL NUMBER : 09/337,538 EXAMINER : MYLINH T. TRAN
FILING DATE : June 22, 1999 ART UNIT : 2174
FOR : SYSTEM AND METHOD FOR CUSTOMIZING WORKSPACE USING PREDEFINED
FRAMESETS

MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JUL 19 2004

Technology Center 2100

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the present application are the following documents:

1. Appellants' Brief on Appeal Under 37 C.F.R. §1.192 (in triplicate); and
2. Check in the amount of \$330.00.

Our check for \$330.00 is enclosed covering any required fees. In the event any variance exists between the amount enclosed and the Patent and Trademark Office charges, please charge or credit the difference to our Deposit Account 50-0311, Reference No. 23452-096. A duplicate copy of this letter is enclosed for that purpose.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned at (703) 464-8140.

Dated: July 13, 2004

Respectfully submitted,

Sean L. Ingram

Registration No.: 48,283

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND
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Sir:

Further to the Notice of Appeal filed on May 13, 2004, Appellants' herewith submit Appellants' Brief on Appeal in triplicate pursuant to 37 C.F.R. §1.192(a).

In accordance with §1.17(c), a check in the amount of \$330.00 representing the fee for filing an Appeal Brief is attached.

It is not believed that extensions of time or fees are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0311 (*Ref. No. 23452-096*).

07/15/2004 HALI11 00000060 09337538

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(1) REAL PARTY IN INTEREST

By virtue of the executed assignment document submitted June 2, 2004, but not yet recorded, the real party in interest is **International Business Machines, Corporation** a New York corporation having a place of business in Armonk, New York.

(2) RELATED APPEALS AND INTERFERENCES

Based on information and belief, there are no related appeals or interferences.

(3) STATUS OF THE CLAIMS

Claims 1-33 are pending in this application. Claims 1, 8, 15, and 22 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over "Microsoft FrontPage 97" by Nossiter et al. ("Microsoft FrontPage") in view of U.S. Patent No. 5,734,380 to Adams et al. ("Adams"). Claims 2-7, 9-14, 16-21, and 23-33 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Microsoft FrontPage in view of Adams and further in view of U.S. Patent No. 6,266,684 to Kraus et al. ("Kraus"). Appellants appeal these rejections.

(4) STATUS OF AMENDMENTS

Appellants have not amended the claims subsequent to the "Reply After Final" under 37 C.F.R. §1.116 dated April 2, 2004.

(5) SUMMARY OF THE INVENTION

The invention relates to a system and method for enabling users to customize a layout of a view for a computer application by selecting among a plurality of predefined framesets. (see specification page 2, lines 18-20). For example, the user may customize the graphical user interface by selecting the orientation of the frames that are presented in a predefined frameset. (see specification page 3, lines 1-4). A graphical user interface

may be provided that presents the user with various options relating to the predefined framesets. (see specification page 3, lines 10-12).

In some embodiments, the graphical user interface may include an arrangement field for enabling the user to select an arrangement of frames for a view from the plurality of predefined arrangements displayed together in the arrangement field. (see page 5, lines 8-9; and Fig. 1). For example, the arrangement field may include a plurality of selectable icons each depicting one of the various predefined arrangements for a frameset to be created. (see specification page 5, lines 10-12). The selectable icons in the arrangement field may display the predefined arrangements according to the number of frames selected by the user. (see specification page 5, lines 21-23). Once the user selects the desired frameset arrangement, the user may specify the content to be placed in each frame and/or may manipulate the arrangement of the frames. (see specification page 6, lines 7-9).

(6) ISSUES

1. Whether claims 1, 8, 15, and 22 are rendered obvious under 35 U.S.C 103(a) based on Microsoft FrontPage in view of Adams.
2. Whether claims 2-7, 9-14, 16-21, and 24-33 are rendered obvious under 35 U.S.C. §103(a) based on Microsoft FrontPage and Adams and further in view of Kraus.

(7) GROUPING OF CLAIMS

Claims 1-33 are separately patentable. Appellants, however, have grouped claims that include similar features. In particular, Appellants request that claims 1, 6-8, 13-15, 20-22, 27, and 28 be considered to stand and fall together; that claims 29-32 be considered to stand and fall together; that claims 2, 3, 9, 10, 16, 17, 23, 24, and 30 be considered to stand and fall together; that claims 4, 11, 18, and 25 be considered to stand and fall together; that claims 5, 12, 19, and 26 be considered to stand and fall together; and that claim 33 be considered to stand and fall separately.

(8) ARGUMENT

Appellants submit that the claimed invention is significantly different from the cited references. Thus, for the following reasons, it is respectfully submitted that claims 1-33 are patentably distinguishable over the cited references. Regarding issue one, the question to be resolved is whether claims 1, 8, 15, and 22 are obvious in view of Microsoft FrontPage and Adams. Appellants respectfully submit that the asserted rejection is improper, because Microsoft FrontPage and Adams, both alone and in combination with one another, fail to teach or suggest each of the claim elements. Appellants provide below a discussion of the requirements for a *prima facie* case of obviousness under 35 U.S.C. §103(a) and an application of these requirements to each claim or claim grouping. Regarding issue two, the question to be resolved is whether claims 2-7, 9-14, 16-21, 23-33 are obvious in view of Microsoft FrontPage, Adams, and Kraus. Appellants respectfully submit that the asserted rejection is improper, because Microsoft FrontPage, Adams, and Kraus, both alone and in combination with one another, fail to teach or suggest all the elements of the claimed invention.

1. Rejection Under 35 U.S.C. §103(a), as Allegedly Obvious based on Microsoft FrontPage in View of Adams

Requirements for a *prima facie* case of obviousness

As provided in MPEP § 2143, three requirements must be met to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a). The requirements are: (1) the prior art must teach or suggest all the claim elements, (2) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings, and (3) there must be a reasonable expectation of success.

Appellants respectfully submit that at least the first two requirements are not met by the asserted rejections. Therefore, Appellants examine those requirements in further detail.

All of the claim elements must be taught or suggested

To establish *prima facie* obviousness of a claimed invention, all the claim elements must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Suggestion or Motivation to modify the references

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claims 1,6-8,13-15,20-22, 27, and 28

Appellants respectfully submit that the rejection of claims 1, 8, 15, and 22 under 35 U.S.C §103(a) as allegedly being obvious in view of Microsoft FrontPage and Adams is improper for at least failing to teach or suggest all of the features of the claims.

Independent claim 1 recites, *inter alia*, a frameset arrangement presentation object that simultaneously displays a plurality of predefined frameset arrangements to a user through a graphical user interface. Independent claims 8, 15, and 22 recite similar features. Microsoft FrontPage and Adams, both alone and in combination with one another, fail to teach or suggest at least this feature,.

The Examiner acknowledges that “the difference between Microsoft FrontPage and the claim is the plurality of predefined frameset displaying simultaneously [sic].”

(see page 3, first paragraph of the February 13 Final Office Action). The Examiner relies on Adams for disclosing this deficiency.

Adams is directed to a method for controlling the presentation of displays in a multi-windowed computer environment (see Adams col. 2, lines 16-17). Adams discloses that the invention is based on a concept which allows the user to think of a set of windows on the display as a set of "soft screens" or "viewports," any of which can be selected to display the next application (see Adams col. 1, lines 36-39). In particular, the Examiner alleges that:

"Adams et al. shows the feature at figure 8, column 9, lines 40-53. ***Window is a type of frameset*** and these windows are represent [sic] for user to select by clicking buttons on the title bar of each window..." (see page 3, first paragraph of the February 13 Final Office Action). (***Emphasis added***).

Thus, the Examiner relies on figure 8 of Adams and appears to make an analogy between the claimed feature of simultaneously displaying a plurality of predefined frameset arrangements and Adams' disclosure of a plurality of individual windows. Appellants submit that Adams' tiled windows are not equivalent to framesets as generally understood in the art and as set forth in Appellants' specification at, for example, page 1, line 23- page 2, line 6.

A frameset arrangement is predefined to include a specified number of frames, a specified size for the frames, and a relative positioning of the frames within a graphical display area (see specification page 1, lines 23-24). The predefined frameset arrangement may be stored for later retrieval (see specification page 1, lines 25-26). The frameset may be accessed by users over a network through a web browser application (see specification page 2, lines 1-2). As a result of the frameset being predefined, a user may select from a plurality of framesets, wherein the framesets may be displayed to the user for selection based on the desired number of frames, the size of the frames, and/or the relative positioning of the frames within the frameset.

In contrast, Adams discloses a multi-windowed user interface that enables tiling of multiple windows, but does not allow a user to select from a plurality of predefined multi-windowed arrangements. Rather, Adams provides a base window configuration and requires a user to define the location, size, and/or shape for any individual windows

that are added to the base window configuration. Adams is further deficient, because it does not enable the user to save the arrangement of tiled windows designed by the user for later retrieval. Since the window configuration that is created by a user may not be saved, the user must re-define each window's location, size, and shape each time after the window configuration is closed. Thus, Appellants submit that Adams' tiled windows are fundamentally different from the plurality of predefined framesets set forth in the claims and described in Appellants' specification.

For the reasons presented above, Appellants submit that Adams' tiled window configuration is not equivalent to a frameset, as generally understood in the art. Thus, Microsoft FrontPage and Adams, both alone and in combination with one another, fail to teach or suggest a frameset arrangement presentation object that simultaneously displays a plurality of predefined frameset arrangements to a user through a graphical user interface.

For the sake of argument, even if Adams' tiled window configuration may be analogized to a predefined frameset, Adams still does not teach or suggest a simultaneous display of a plurality of predefined frameset arrangements. It appears that the Examiner's position equates each of the tiled windows disclosed by Adams with one of the frames in Appellants' predefined frameset. Thus, at best, the Examiner's interpretation still only provides a single tiled window configuration rather than a plurality of framesets that are simultaneously displayed. As a result, Adams does not remedy the deficiencies of Microsoft FrontPage. Appellants submit that Microsoft FrontPage and Adams, both alone and in combination with one another, fail to teach or suggest at least a frameset arrangement presentation object that simultaneously displays a plurality of predefined frameset arrangements to a user through a graphical user interface.

For at least these reasons, Appellants submit that the Examiner has failed to establish a *prima facie* case of obviousness with regards to claims 1, 8, 15, and 22. Accordingly, the rejection of these claims must be withdrawn. Claims 2-7, 9-14, 16-21, and 23-28 depend from and add additional features to one of independent claims 1, 8, 15, and 22. Therefore, claims 2-7, 9-14, 16-21, and 23-28 are allowable, at least, by virtue of their dependency.

2. Rejection Under 35 U.S.C. §103(a), as Allegedly Obvious based on Microsoft FrontPage in View of Adams, and Further in View of Kraus

Claims 29, 31, and 32

Appellants respectfully submit that the rejection of claims 29, 31, and 32 under 35 U.S.C §103(a), as allegedly being obvious in view of Microsoft FrontPage and Adams and further in view of Kraus, is improper for at least failing to teach or suggest all of the features of the claims.

The Examiner applies the same logic as used for independent claim 1 (see page 5, third full paragraph of the February 13 Final Office Action). The Examiner acknowledges that Microsoft FrontPage does not disclose the frameset presentation object that simultaneously displays a plurality of predefined frameset arrangements (see page 3, first paragraph of the February 13 Final Office Action).

The Examiner relies on Adams for disclosing this deficiency. However, Adams is directed to a method for controlling the presentation of displays in a multi-windowed computer environment (see Adams col. 2, lines 16-17). In particular, the Examiner relies on figure 8 of Adams and appears to make an analogy between Appellants' plurality of predefined frameset arrangements and the plurality of tiled windows in Adams. At least for the reasons set forth in the discussion of claim 1 above, Adams' tiled windows are not equivalent to framesets as generally understood in the art and as set forth in Appellants' specification at, for example, page 1, line 23- page 2, line 6.

A frameset includes predefined arrangement of frames and may be stored for later retrieval. Claim 29 specifically recites, *inter alia*, storing a plurality of predefined framesets, wherein each of the plurality of predefined framesets includes a predefined number of frames and a predefined layout for the frames.

In contrast, Adams discloses a plurality of individual windows that may be tiled. Adams, however, does not disclose that the tiled windows may be saved for later

retrieval. Thus, Adams individually tiled windows are fundamentally different than the frames within a frameset at least because Adams individually tiled windows can not be stored for later retrieval. Rather, Adams requires a user to define the location, size, and shape of the tiled windows when the individual windows are opened. Because Adams does not disclose storing a plurality of predefined framesets, wherein each of the plurality of predefined framesets includes a predefined number of frames and a predefined layout for the frames, Adams can not disclose displaying graphical representations of a plurality of predefined framesets together in a graphical user interface as set forth in claim 29.

Even if, *assuming arguendo*, Adams' tiled windows may be analogized to a predefined frameset, Adams still does not teach or suggest displaying a plurality of user selectable graphical interface objects, wherein each user selectable graphical interface object includes a graphical representation of a corresponding one of the plurality of predefined framesets. At best, the Examiner's interpretation still only provides a single window configuration. For at least these reasons, Adams does not remedy the deficiencies of Microsoft FrontPage.

Furthermore, independent claim 29 recites, *inter alia*, displaying a plurality of user selectable graphical interface objects, wherein each user selectable graphical interface object includes a graphical representation of a corresponding one of the plurality of the predefined framesets, wherein the graphical representations of the plurality of user selectable graphical interface objects are displayed together in a user interface, and selecting one of the plurality of user-selectable graphical interface objects thereby enables the user to select the corresponding one of the plurality of predefined framesets.

Appellants submit that neither Microsoft FrontPage, Adams, nor Kraus teach or suggest the feature of displaying a plurality of user selectable graphical interface objects, wherein each user selectable graphical interface object includes a graphical representation of a corresponding one of the plurality of framesets. Appellants brought to the Examiner's attention in the "Reply After Final" that the Examiner has not addressed this feature of claim 29 (see Reply After Final page 13, first full paragraph). While the Examiner has not responded to Appellants' request to address this feature of claim 29, the

Examiner appears to be relying on Kraus to disclose all the features for which Microsoft FrontPage and Adams are deficient.

Specifically, Kraus is directed to a web page authoring program that allows a user to create a multiple frame web page by manipulating a graphical display representing the web page (see Kraus, abstract). The invention includes presenting on a computer display a graphical image representing the frame structure of the web page and allowing a creator of a web page to target a frame by selecting a corresponding portion of the graphical display with a pointing device (see Kraus col. 1, lines 55-60). A user can manipulate the border to create multiple frames in the page (see Kraus col. 3, lines 56-59). At best, Kraus discloses selecting a corresponding frame in a single frameset arrangement. Kraus does not, however, disclose the feature wherein the graphical representations of the plurality of user selectable graphical interface objects are displayed together in a user interface, and selecting one of the plurality of user-selectable graphical interface objects thereby enabling the user to select the corresponding one of the plurality of predefined framesets.

Thus, Appellants submit that Microsoft FrontPage, Adams, and Kraus, both alone and in combination with one another, fail to teach or suggest the feature of displaying a plurality of user selectable graphical interface objects, wherein each user selectable graphical interface object includes a graphical representation of a corresponding one of the plurality of framesets.

Furthermore, it appears that Kraus discloses a single multi-frame web page including one or more conventional frames, the arrangement of which must be specified by the user. While Kraus discloses creating a web page such that the web page creator can specify the number of frames, Kraus is deficient for the same reasons as Microsoft FrontPage and Adams in that it fails to disclose displaying a plurality of predetermined frameset arrangements simultaneously, wherein a user is able to select one of the plurality of predefined frameset arrangements. Kraus fails to disclose displaying a plurality of user selectable graphical interface objects, wherein each user selectable graphical interface object includes a graphical representation of a corresponding one of the plurality

of predefined framesets, as set forth in claim 29. Therefore, Kraus fails to provide the deficiencies of Microsoft FrontPage and Adams.

Independent claim 29 further recites, *inter alia*, the feature of wherein each of the plurality of predefined framesets includes a predefined number of frames and a predefined layout for the frames. This feature is not disclosed by Microsoft FrontPage, Adams, or Kraus, alone or in combination with one another. In the Final Office Action, the Examiner states:

“[B]esides, in combination of Microsoft FrontPage and Kraus [sic], ***the predefined frameset*** including a predefined number of frames are taught by Kraus (figure 3 and 4)...” (see page 5, third full paragraph of the February 13 Final Office Action). (***Emphasis Added***).

Appellants submit that the Examiner’s statement, above, refers to “the predefined frameset,” however, the Examiner fails address the actual language of the claim which recites “the plurality of predefined framesets” (emphasis added). The figures relied on by the Examiner (Kraus, figures 3 and 4), only show a single frameset, not a plurality of predefined framesets.

For at least these reasons, Appellants submit that the Examiner has failed to establish a *prima facie* case of obviousness based on Microsoft FrontPage, Adams, and Kraus with regards to claim 29. Accordingly, the rejection of these claims must be withdrawn. Claims 30-33 depend from claim 29 and are allowable, at least, by virtue of their dependency.

Claim 33

Appellants respectfully submit that the rejection of claim 33 under 35 U.S.C §103(a) as allegedly being obvious in view of Microsoft FrontPage and Adams and further in view of Kraus is improper for at least failing to teach or suggest all of the claim elements. Dependent claim 33 depends from and adds additional features to independent claim 29. As set forth above, independent claim 29 is patentable; therefore, dependent claim 33 is also patentable, at least by virtue of its dependency.

Dependent claim 33 recites, *inter alia*, the feature of wherein each frameset includes at least one frame for inputting a web document and at least one frame for

inputting a non-web document. Microsoft FrontPage, Adams, and Kraus, both alone and in combination with one another, fail to teach or suggest this feature.

The Examiner alleges that: "As to claim 33, in combination of Microsoft FrontPage and Adams teaching [sic] each framesets [sic] including at least one frame for inputting a web document and at least one frame for inputting a non-web document." (see page 6, first paragraph of the February 13 Final Office Action).

Appellants submit there is no support for the Examiner's position found anywhere in Microsoft FrontPage, Adams, or Kraus. Accordingly, claim 33 is patentable over the cited prior art

Claims 2, 3, 9, 10, 16, 17, 23, 24, and 30

Appellants respectfully submit that the rejection of claims 2, 3, 9, 10, 16, 17, 23, 24, and 30 under 35 U.S.C §103(a) as allegedly being obvious in view of Microsoft FrontPage and Adams and further in view of Kraus is improper for at least failing to teach or suggest all of the claim elements and because the Examiner's position relies on impermissible hindsight.

Dependent claim 2 recites, *inter alia*, a frame number specification object that enables a user to specify the number of frames in the plurality of predefined frameset arrangements. Claims 9, 16, 23, and 30 recite similar features. Microsoft FrontPage, Adams, and Kraus, both alone and in combination with one another, fail to teach or suggest this feature.

The Examiner acknowledges that "Microsoft FrontPage does not show a frame number specification object that enables a user to specify the number of frames in a plurality of predefined frameset arrangement." (see page 4, first paragraph of the February 13 Final Office Action).

The Examiner relies on figures 2-4, column 3, lines 55-65 of Kraus to teach this feature. Kraus is directed to a web page authoring program (see Kraus, Abstract). The invention includes presenting on a computer display a graphical image representing the frame structure of the web page; allowing a creator of a web page to target a frame by selecting a corresponding portion of the graphical display with a pointing device (see

Kraus col. 1, lines 55-60). A user can manipulate the border to create multiple frames in the page (see Kraus col. 3, lines 56-59). Thus, Appellants submit that Kraus discloses creating a web page and manipulating a *single frameset* corresponding to the web page. While a user in Kraus can manipulate the number of frames in a frameset that is being created, the user is not provided with a display of a plurality of predefined framesets and cannot specify the number of frames in the *plurality of predefined* frameset arrangements. Thus, Microsoft FrontPage, Adams, and Kraus both alone and in combination with one another, fail to teach or suggest the feature of a frame number specification object that enables a user to specify the number of frames in the plurality of predefined frameset arrangements.

Furthermore, Appellants submit that the proposed combination of Microsoft FrontPage and Adams with Kraus constitutes impermissible hindsight gleaned from the Appellants' disclosure. In combining Microsoft FrontPage and Adams with Kraus, the Examiner alleges that

“[I]t would have been obvious... to modify the multiple predefined frameset arrangements taught by Microsoft FrontPage to include the number of frames in the predefined frameset arrangement *with the motivation for the user to be able to customize the layout* of a view of a document as taught by Kraus.” (see page 4, first paragraph of the February 13 Final Office Action). (*Emphasis added*).

Appellants submit that the Examiner's recited motivation for combining Microsoft FrontPage and Adams with Kraus is not found in these references. Rather, the recited motivation appears to be derived from Appellants disclosure:

“Another object of the invention is to provide a system and method for enabling a user to customize the layout of a view of a computer application... by selecting the number of frames to be presented in a predefined frameset.” (see specification page 2, lines 21-24).

As such, the Examiner's proposed motivation for combining the references appears improper. As stated in *In re Vaeck*, “the teaching or suggestion to make the claimed combination...must...be found in the prior art, not in Appellant's disclosure.” *In re Vaeck*, 947 F.2d 488, 20 USPQ 2d 1438 (Fed. Cir. 1991).

Even if Microsoft FrontPage and Adams may be properly combined with Kraus, there is no teaching or suggestion in the references, alone or in combination, that suggests the recited claim features. To selectively pick and choose among the many disclosed elements constitutes impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the Examiner has not made a *prima facie* case of obviousness for claims 2, 9, 16, and 23 based on Microsoft FrontPage, Adams, and Kraus. Claim 30 includes similar features to claims 2, 9, 16, and 23, but depends from independent claim 29. Accordingly, this claim is also patentable over the references relied on by the Examiner, and the rejection of this claim must be withdrawn. Dependent claims 3, 10, 17, and 24 depend from and add features to claims 2, 9, 16, and 23, respectively. Therefore, Appellants submit that claims 3, 10, 17, and 24 are allowable at least by virtue of their dependency.

Claims 4, 11, 18, and 25

Appellants respectfully submit that the rejection of claims 4, 11, 18, and 25 under 35 U.S.C §103(a) as allegedly being obvious in view of Microsoft FrontPage and Adams and further in view of Kraus is improper for at least failing to teach or suggest all of the claim elements.

Claim 4 recites, *inter alia*, the feature wherein the frameset arrangement presentation object simultaneously displays a plurality of icons, each icon representing one of the plurality of predefined frameset arrangements. Claims 11, 18, and 25 recite similar features. Microsoft FrontPage, Adams, and Kraus, both alone and in combination with one another, fail to teach or suggest this feature.

The Examiner alleges that “Kraus et al. teaches the predefined frameset arrangement presentation object simultaneously displays a [sic] icon, each icon representing a predefined frameset arrangement.” (see page 4, third paragraph of the February 13 Final Office Action). The Examiner relies on column 1, lines 55-60 and col. 6, lines 3-4 of Kraus for support. Column 1, lines 55-60 of Kraus state:

The invention includes presenting on a computer display a graphical image representing the frame structure of the web page; allowing a creator of the web page to target a frame by selecting a corresponding portion of the graphical display

with a pointing device.

The Examiner also cites col. 6, lines 3-4 of Kraus, which has also been repeated below:

...by using a pointing device to “drag and drop” a graphical image (“icon”) 72 representing the resource from a file list 74....

Appellants submit that these portions of Kraus do not support the Examiner's position. It appears that the first passage relied upon by the Examiner merely discloses that a creator of a web page can select a particular targeted frame in a *single frameset* using a pointing device in order to manipulate the display of the particular frame.

The second passage from column 6 of Kraus is taken out of context from the first passage from column 1 of Kraus. Lines 3-4 of column 6 merely disclose dragging and dropping a resource file from a resource file list into a targeted frame. Thus, Appellants submit that these passages in Kraus does not teach or suggest the frameset arrangement presentation object that simultaneously displays a plurality of icons, each icon representing one of the plurality of predefined frameset arrangements. Appellants submit that the Examiner has not made a *prima facie* case of obviousness with respect to claims 4, 11, 18, and 25 based on Microsoft FrontPage, Adams, and Kraus. Therefore, Appellants submit that claims 4, 11, 18, and 25 are in condition for allowance

Claims 5, 12, 19, and 26

Appellants respectfully submit that the rejection of claims 5, 12, 19, and 26 under 35 U.S.C §103(a), as allegedly being obvious in view of Microsoft FrontPage and Adams and further in view of Kraus, is improper for at least failing to teach or suggest all of the claim elements. First, dependent claims 5, 12, 19, and 26 depend from and add additional features to dependent claims 4, 11, 18, and 25, respectively, and are therefore patentable, at least, by virtue of their dependency.

Furthermore, dependent claim 5 recites, *inter alia*, the feature wherein the frameset selection object comprises a plurality of icons displayed by the frameset arrangement presentation object so that the user may select the icon to select the

predefined frameset arrangement that the icon represents. Claims 12, 19, and 26 recite similar features. Microsoft FrontPage, Adams, and Kraus fail to teach or suggest a frameset arrangement presentation object that simultaneously displays a plurality of icons, each icon representing one of the plurality of predefined frameset arrangements. The alleged combination of references necessarily fails to teach or suggest enabling a user to select an icon. Therefore, Appellants submit that the Examiner has not set forth a *prima facie* case of obviousness with respect to claims 5, 12, 19, and 26. As a result, Appellants submit that claims 5, 12, 19, and 26 are in condition for allowance.

Conclusion

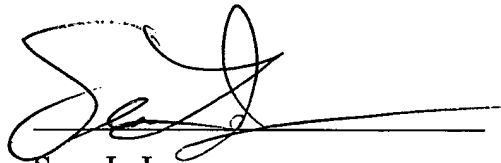
Because the references relied upon by the Examiner, either alone or in combination with one another, fail to disclose, teach or suggest all of the features of the claims as set forth above, Appellants respectfully request that the rejection of each of pending claims 1-33 under 35 U.S.C. §103(a) be withdrawn.

Respectfully submitted,

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.

Dated: July 13, 2004

By:



Sean L. Ingram

Registration No. 48,283

For: James G. Gatto

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APPENDIX A – PENDING CLAIMS

1. **(Previously Presented)** A system for enabling a user to create a frameset arrangement for a view comprising:
 - a frameset arrangement presentation object that simultaneously displays a plurality of predefined frameset arrangements to the user through a graphical user interface, wherein the plurality of predefined frameset arrangements are displayed as objects to the user;
 - a frameset selection object that enables the user to select one of the plurality of predefined frameset arrangements through the graphical user interface; and
 - a view presentation object that presents the view to the user having the predefined frameset arrangement selected.
2. **(Previously Presented)** The system of claim 1, further comprising a frame number specification object that enables the user to specify a number of frames in the plurality of predefined frameset arrangements.
3. **(Previously Presented)** The system of claim 2, wherein the frameset arrangement presentation object presents the plurality of predefined frameset arrangements, each having the number of frames specified by the user.
4. **(Previously Presented)** The system of claim 1, wherein the frameset arrangement presentation object simultaneously displays a plurality of icons, each icon representing one of the plurality of predefined frameset arrangements.
5. **(Previously Presented)** The system of claim 4, wherein the frameset selection object comprises the plurality of icons displayed by the frameset arrangement presentation

object so that the user may select an icon to select the predefined frameset arrangement that the icon represents.

6. **(Previously Presented)** The system of claim 1, wherein the frameset arrangement comprises specification of a size of each frame.

7. **(Previously Presented)** The system of claim 1, wherein the frameset arrangement comprises specification of a location of each frame within the view.

8. **(Previously Presented)** A system for enabling a user to create a frameset arrangement for a view comprising:

means for simultaneously displaying a plurality of predefined frameset arrangements to the user through a graphical user interface, wherein the plurality of predefined frameset arrangements are displayed as objects to the user;

means for enabling the user to select one of the plurality of predefined frameset arrangements through the graphical user interface; and

means for presenting the view to the user having the selected predefined frameset arrangement.

9. **(Previously Presented)** The system of claim 8, further comprising means for enabling the user to specify a number of frames in the plurality of predefined frameset arrangements.

10. **(Previously Presented)** The system of claim 9, wherein the means for simultaneously displaying the plurality of predefined frameset arrangements presents each of the plurality of predefined frameset arrangements with the number of frames specified by the user.

11. **(Previously Presented)** The system of claim 8, wherein the means for simultaneously displaying the plurality of predefined framesets simultaneously displays a

plurality of icons, each icon representing one of the plurality of predefined frameset arrangements.

12. **(Previously Presented)** The system of claim 11, wherein the means for enabling the user to select one of the plurality of predefined frameset arrangements comprises the plurality of icons displayed by the means for simultaneously displaying the plurality of predefined frameset arrangements so that the user may select one of the plurality of icons to select the predefined frameset arrangement that the icon represents.

13. **(Previously Presented)** The system of claim 8, wherein the predefined frameset arrangement comprises specification of a size of each frame.

14. **(Previously Presented)** The system of claim 8, wherein the predefined frameset arrangement comprises specification of a location of each frame within the view.

15. **(Previously Presented)** A method for enabling a user to create a frameset arrangement for a view comprising the steps of:

simultaneously displaying a plurality of frameset arrangements to the user through a graphical user interface, wherein the plurality of predefined frameset arrangements are displayed as objects to the user;

enabling the user to select one of the plurality of predefined frameset arrangements through the graphical user interface; and

presenting the view to the user having the selected predefined frameset arrangement.

16. **(Previously Presented)** The method of claim 15, further comprising the step of enabling the user to specify a number of frames in the plurality of predefined frameset arrangements.

17. **(Previously Presented)** The method of claim 16, further comprising the step of displaying the plurality of predefined frameset arrangements with the number of frames specified by the user.

18. **(Previously Presented)** The method of claim 15, further comprising the step of simultaneously displaying a plurality of icons, wherein each icon represents one of the plurality of predefined frameset arrangements.

19. **(Previously Presented)** The method of claim 18, further comprising the step of enabling the user to select one of the plurality of icons to select one of the plurality of predefined frameset arrangements that the icon represents.

20. **(Previously Presented)** The method of claim 15, wherein the predefined frameset arrangement specifies a size of each frame.

21. **(Previously Presented)** The method of claim 15, wherein the predefined frameset arrangement specifies a location of each frame within the view.

22. **(Previously Presented)** A processor readable medium having processor readable code embodied therein for causing a processor to enable a user to create a frameset arrangement for a view, the medium comprising:

processor readable code for causing the processor to simultaneously display a plurality of predefined frameset arrangements to the user through a graphical user interface, wherein the plurality of predefined frameset arrangements are displayed as objects to the user;

processor readable code for causing the processor to enable the user to select one of the plurality of predefined frameset arrangements through the graphical user interface; and

processor readable code for causing the processor to present the view to the user having the selected predefined frameset arrangement.

23. **(Previously Presented)** The medium of claim 22, further comprising processor readable code for causing the processor to enable the user to specify a number of frames in the plurality of predefined frameset arrangements.

24. **(Previously Presented)** The medium of claim 23, wherein the processor readable code further causes the processor to present each of the plurality of predefined frameset arrangements with the number of frames specified by the user.

25. **(Previously Presented)** The medium of claim 22, wherein the processor readable code further causes the processor to simultaneously display a plurality of icons, each icon representing one of the plurality of predefined frameset arrangements.

26. **(Previously Presented)** The medium of claim 25, wherein the processor readable code further causes the processor to enable the user to select one of the plurality of icons and thereby select the predefined frameset arrangement that the selected icon represents.

27. **(Previously Presented)** The medium of claim 22, further comprising processor readable code for causing the processor to specify a size of each frame.

28. **(Previously Presented)** The medium of claim 22, further comprising processor readable code for causing the processor to specify a location of each frame within the view.

29. **(Previously Presented)** A method for enabling a user to customize a workspace, the method comprising:

storing a plurality of predefined framesets, wherein each of the plurality of predefined framesets includes a predefined number of frames and a predefined layout for the frames;

displaying a plurality of user selectable graphical interface objects, wherein each user selectable graphical interface object includes a graphical representation of a corresponding one of the plurality of predefined framesets, wherein said graphical representation includes the corresponding predefined number of frames and the corresponding predefined layout for the frames, wherein the graphical representations of the plurality of user selectable graphical interface objects are displayed together in a user interface;

selecting one of the plurality of user selectable graphical interface objects thereby enabling the user to select said corresponding one of the plurality of predefined framesets; and

presenting the selected corresponding one of the plurality of predefined framesets.

30. **(Previously Presented)** The method claim 29, further comprising:

enabling the user to specify a number of frames;

in response to the user specifying the number of frames, retrieving one or more of the plurality of predefined framesets, wherein each of the one or more of the plurality of predefined framesets includes the specified number of frames.

31. **(Previously Presented)** The method claim 29, further comprising:

enabling the user to modify the selected predefined frameset.

32. **(Previously Presented)** The method claim 29, wherein at least one frame of said each frameset includes a non-web document.

33. **(Previously Presented)** The method claim 29, wherein said each frameset includes at least one frame for inputting a web document and at least one frame for inputting a non-web document.